

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the following remarks.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-40 are pending in this application. Claims 14-31 are withdrawn. While no claims are amended hereby, a listing of the claims is provided purely for the convenience of the Examiner.

II. REJECTIONS UNDER 35 U.S.C. §103

Claims 1-11, 13 and 32-40 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by or, in the alternative, under 35 U.S.C. §103(a) as allegedly obvious over U.S. Patent No. 5,753,085 to FitzPatrick (“FitzPatrick”). Claims 1 and 32 are independent.

Claim 1 recites, inter alia:

A substrate useful for making an endless belt in a papermaking machine application comprising:

a plurality of individual preformed layers and a polymeric coating or impregnating material or rubber material that is part of each of said individual preformed layers,

wherein each individual preformed layer is a textile layer coated or impregnated coated or impregnated with resin or the rubber material, and

at least one layer of which contains a matrix of reinforcing components.

Independent claim 32 recites: “A papermaker’s process belt comprising...a plurality of individual layers of preformed material that are first coated with a polymer resin or rubber material individually and then combined to form a substrate of the belt.”

FitzPatrick fails to teach the above-recited limitations, and instead shows a single textile layer formed as a multilayer weave, and that structure is then coated. Davenport Declaration ¶8. The independent claims require a substrate including *a plurality of individual preformed layers* and *a polymeric coating or impregnating material or rubber material that is a part of each of these individual preformed layers*. Davenport Declaration ¶9. Each individual preformed layer is a textile layer first coated/impregnated with resin or the rubber material -- *i.e.*, the individual layers of preformed components are first coated or impregnated with a polymer resin and then combined to form the substrate of a belt for papermaking machine applications. Davenport Declaration ¶9. The properties of the claimed laminated substrate and the requirements for its use in papermaking, such as dewatering as in a shoe press belt, sheet support and uniform pressure distribution in the nip, or ease of transfer of the sheet of paper from one position to another, may be predetermined by application of these processes. Davenport Declaration ¶10. In other words, belts having specific predetermined properties (including different properties on the face and shoe sides or face and back sides of the belt) may be produced by varying the "layers" or structures used in forming the instant substrate. Davenport Declaration ¶10. Thus the claims require a substrate that comprises a plurality of preformed layers and a polymeric coating, impregnating material or rubber material that is part of a respective layer, wherein each preformed layer is a textile layer or a textile layer coated or impregnated with resin or the rubber material, and at least one layer of which contains a matrix of reinforcing components. Davenport Declaration ¶11. Thereafter the preformed layers are joined by heat and/or pressure and an additional resin coating may be applied to either or both outside surfaces. Davenport Declaration ¶11.

Paragraphs 0036 and 0042 of the instant application clearly indicate that *each layer that makes up the belt is laminated to an adjacent layer*. Davenport Declaration ¶12. Each preformed layer is a "textile layer" or a textile layer coated/impregnated with resin. Davenport Declaration ¶12. The individual layers are first coated/impregnated with a polymer resin and then combined to form the substrate of the belt for papermaking machine applications. Davenport Declaration ¶12. The coating/impregnating of the layers of the textile substrate can be carried out by the process described in FitzPatrick. Davenport Declaration ¶12. Thus each layer has either a coating already, or has a layer of fusible material inserted between layers to allow lamination to take place. *Id.*, paragraphs 0038, 0042. Davenport Declaration ¶12. It should also be noted one distinct structural advantage is that this technique causes nearly complete lamination *between adjacent layers* (100% coverage). Davenport Declaration ¶12. Finally, the laminate could have a further resin coating as disclosed in paragraph 0044 of the instant specification. Davenport Declaration ¶12.

FitzPatrick, on the other hand, discloses a nip press belt having a textile substrate impregnated and coated on at least one side with a polymeric resin material. Davenport Declaration ¶13. FitzPatrick fails to teach the above-recited limitation, and instead shows a single textile layer formed as a multilayer weave, and that structure is then coated. Davenport Declaration ¶13. *FitzPatrick does not disclose a multilayer structure as claimed in claim 1 and 32.* Davenport Declaration ¶13.

In detail, FitzPatrick's long nip press belt has a textile substrate impregnated and coated on at least one side with a polymeric resin material. *FitzPatrick, Abstract.* Davenport Declaration ¶14. The polymeric resin material is ground and buffed after being cured to provide the belt with a smooth surface and a uniform thickness. *Id.* Davenport Declaration ¶14. The

textile substrate may include textile components (monofilaments, continuous fine filaments or staple fibers) having non-circular cross sections with a plurality of lobes. *Id.* Davenport Declaration ¶14. As a result, FitzPatrick does not disclose the multilayer constructions recited in claims 1 and 32. Davenport Declaration ¶15. FitzPatrick does not provide for a substrate “comprising a *plurality of preformed layers* and a polymeric *coating or impregnating material or rubber material that is part of a respective layer*, wherein *each preformed layer is a textile layer or a textile layer coated/impregnated with resin or the rubber material*, and at least one layer of which contains a matrix of reinforcing components” as claimed in claim 1. Davenport Declaration ¶15. Nor does FitzPatrick provide for “*layers of preformed material that are first coated then combined to form a substrate of the belt*” as claimed in claim 32. Davenport Declaration ¶15.

Throughout prosecution, the Examiner relies upon Figure 6 and its accompanying disclosure in FitzPatrick to support the allegation that FitzPatrick teaches the claim limitations, contending FitzPatrick’s structure is the same or only slightly different. This allegation is in error. FitzPatrick, and Figure 6 specifically, shows three layers of material (e.g. yarns) not woven together. *FitzPatrick*, col. 5, lines 38-49. Davenport Declaration ¶16. *After* those layers are brought into contact with each other, a *single* coating layer 50 is applied to this entire substrate of layers. *Id.* Davenport Declaration ¶16. FitzPatrick specifically discloses that the transverse continuous fine filaments 46 and longitudinal continuous fine filaments 48 are not interwoven with one another, but form a non-woven matrix. *Id.* Davenport Declaration ¶16. A polymeric resin coating 50 is provided on both sides of long nip press belt 44. *Id.* Davenport Declaration ¶16. To those of ordinary skill in the art, the single polymeric resin coating 50 in FitzPatrick is clearly different from the *distinct* resin layers of the instant invention *i.e.* a

polymeric coating or impregnating material or rubber material that is part of *each* of said individual preformed layers. Davenport Declaration ¶16.

In contrast, as paragraphs 0036 and 0042 of the instant application clearly explain, each layer that makes up the belt is laminated to an adjacent layer. Davenport Declaration ¶¶12, 17. Each layer has either a coating already, or has a layer of fusible material inserted between layers to allow lamination to take place (paragraphs 0038, 0042). Davenport Declaration ¶¶12, 17. The claimed technique causes a fairly complete lamination between adjacent layers (nearly 100% coverage), thereby resulting in a structurally different construction than the impregnated structure of FitzPatrick. Davenport Declaration ¶¶12, 17.

In the Advisory Action dated June 2, 2008, the Examiner alleges that FitzPatrick illustrates a multi-layer structure via Figure 5's multilayer weave. Figure 5 is described at col. 5, lines 26-37 of FitzPatrick, and in particular, lines 32-35. As explained in the Submission filed on July 11, 2008, what Figure 5 clearly shows is “[t]ransverse yarns, 30 are interwoven with longitudinal yarns 40 in a multilayer weave.” *FitzPatrick*, col. 5, lines 32-35. Davenport Declaration ¶18. There is no plurality of individual preformed layers that are “textile layers.” Davenport Declaration ¶18. Rather, Figure 5 shows a single textile layer formed of a multilayer weave. *Id.* Davenport Declaration ¶18. Because FitzPatrick's layers are formed by interweaving, each individual layer cannot be preformed, nor first coated/impregnated with resin or the rubber material. Davenport Declaration ¶18.

At page 5 of the August 4, 2008 Office Action, the Examiner responded to the all the facts above by alleging, “applicant has failed to show, or attempt to show, that the process disclosed by FitzPatrick results in a patentably distinct structure.” However, the facts above clearly show this assertion to be in error. To summarize, Figure 6 of FitzPatrick shows three

layers of materials such as yarns, which are brought together. Davenport Declaration ¶16, 19. This entire substrate is then covered with a single coating. See col. 5 lines 38-49 of *FitzPatrick*. Davenport Declaration ¶16, 19. Figure 5 shows a single textile layer formed of a multilayer weave. *FitzPatrick*, col. 5, lines 32-35. Davenport Declaration ¶18, 19. The claims, to the contrary, recite that “each individual preformed layer” is “coated or impregnated with resin or the rubber material” or that “a plurality of individual layers of preformed material [] are first coated with a polymer resin or rubber material individually and then combined to form a substrate of the belt.” Davenport Declaration ¶19. As each layer is accordingly coated or impregnated, the layers have fusible material which allows lamination between the layers to take place. Such a technique causes *a fairly complete lamination between adjacent layers, at nearly 100 percent coverage*, and this is something that *FitzPatrick*’s structure does not achieve.

Davenport Declaration ¶¶12, 17, 19. Structurally, *FitzPatrick*’s substrate does not have the distinct resin layers as claimed: “a polymeric coating or impregnating material or rubber material that is *a part of each said individual preformed layer*, wherein *each individual preformed layer* is a textile layer coated or impregnated with resin or the rubber material,” (claim 1) or “*a plurality of individual layers of preformed material that are first coated with a polymer resin or rubber material individually and then combined to form a substrate of the belt*” (claim 32).

Davenport Declaration ¶19.

For at least the foregoing reasons, Applicant respectfully submits that claim 1 is patentably distinguished over *FitzPatrick*, and therefore is allowable. Since independent claim 32 is similar or somewhat similar in scope to claim 1, it is also allowable for similar reasons.

III. DEPENDENT CLAIMS

Claims 2-13 and 33-40 in this application are each dependent from one of the independent claims discussed above and are therefore patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

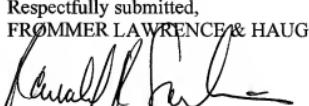
In the event that the Examiner disagrees with any of the above arguments, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

CONCLUSION

For the reasons stated above, Applicants respectfully request a favorable reconsideration of the application, reconsideration and withdrawal of the rejections of the pending claims, and prompt issuance of a Notice of Allowance.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:



Ronald R. Santucci
Reg. No. 28,988
Brian M. McGuire
Reg. No. 55,445
Ph: (212) 588-0800
Fax: (212) 588-0500